

2022 Regular Session

SENATE BILL NO. 490

BY SENATOR CORTEZ

PUBLIC BUILDINGS/GROUNDS. Provides for security services in the state capitol building. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 40:1379.1(N) and to enact Chapter 12 of Title 24 of the
3 Louisiana Revised Statutes of 1950, to be comprised of R.S. 24:681 through 685 and
4 691 through 693 and R.S. 40:2402(3)(f), relative to capitol security; to provide for
5 a director of capitol security; to provide for the qualifications, compensation, duties
6 and functions of the director; to provide for capitol security officers; to provide for
7 the manner in which certain special officer commissions may be issued; to create the
8 Capitol Security Council; to provide for the composition and membership of the
9 council; to provide for the powers and duties of the council; to provide for
10 definitions; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Chapter 12 of Title 24 of the Louisiana Revised Statutes of 1950,
13 comprised of R.S. 24:681 through 685 and 691 through 693 is hereby enacted to read as
14 follows:

15 **CHAPTER 12. CAPITOL SECURITY DIRECTOR;**

16 **CAPITOL SECURITY COUNCIL**

17 **PART I. CAPITOL SECURITY DIRECTOR**

1 **§681. Capitol security director; qualifications; compensation**

2 **A. There shall be a director of capitol security who shall be the chief**
3 **security officer for the legislature. The director of capitol security shall be**
4 **elected by the favorable vote of a majority of the elected members of each house**
5 **of the legislature, after having been interviewed by the Capitol Security Council**
6 **and recommended for employment by the council by a majority vote, and shall**
7 **serve at the pleasure of the legislature. He may be removed by a majority vote**
8 **of the elected members of each house of the legislature. Any vacancy occasioned**
9 **by death, resignation, or otherwise, which occurs while the legislature is not in**
10 **session, shall be filled on a temporary basis by the president of the Senate and**
11 **the speaker of the House of Representatives, until such time as the vacancy shall**
12 **be filled by the legislature as provided in this Subsection.**

13 **B. The director shall have a minimum of ten years of full-time law**
14 **enforcement experience. He shall be POST-certified and possess qualifications**
15 **necessary to be commissioned as a special officer. He shall not be a member of**
16 **the legislature.**

17 **C. The salary of the director of capitol security shall be recommended**
18 **by the Capitol Security Council, and together with all other expenses and**
19 **salaries of his office necessary to carry out the duties required pursuant to R.S.**
20 **24:682, shall be submitted to the president of the Senate and the speaker of the**
21 **House of Representatives for approval.**

22 **§682. Duties and functions**

23 **A. Subject to the general direction and supervision of the Capitol**
24 **Security Council, the director of capitol security shall have the following duties**
25 **and functions:**

26 **(1) Oversee law enforcement and physical security for such parts of the**
27 **state capitol building and state capitol complex, as defined in R.S. 49:149.1, that**
28 **are used by the legislature, its members, and staff.**

29 **(2) Oversee law enforcement and physical security for the legislature, its**

1 members, and staff at any official meeting or function of the legislature, and its
2 committees approved by the president of the Senate or the speaker of the House
3 of Representatives regardless of location.

4 (3) Develop an annual budget for the operations of the office, subject to
5 approval by the Capitol Security Council, which shall be submitted to the
6 president of the Senate and the speaker of the House of Representatives for
7 approval.

8 (4) Recommend for employment such security officers and other
9 personnel as are necessary to ensure the physical security of the parts of the
10 state capitol building and state capitol complex that are used by the legislature,
11 its members, and staff.

12 (5) Ensure that security officers are POST-certified and possess
13 qualifications necessary to be commissioned as special officers.

14 (6) Develop, coordinate, and implement security training for security
15 officers.

16 (7) Coordinate and supervise the scheduling and activities of the security
17 officers.

18 (8) Promptly respond and immediately take appropriate action with
19 regard to any situation which threatens life, limb, or property, or which may
20 likely result in the disruption of general order within his area of jurisdiction.

21 (9) Conduct investigations and affect lawful arrests when necessary.

22 (10) Conduct research; correlate, analyze, and interpret data; monitor
23 compliance with administrative rules and regulations; make findings of fact;
24 prepare reports; and recommend legislation, policies, and directives which
25 relate to security.

26 (11) Act as the legislature's principal point of contact for all law
27 enforcement recommendations to the legislature and committees with respect
28 to security issues.

29 (12) Develop and implement, subject to adoption by the Capitol Security

1 Council, a comprehensive security plan for the parts of the state capitol building
2 and state capitol complex that are used by the legislature, its members, and
3 staff.

4 (13) Carry out all directives issued by the presiding officer of either
5 house of the legislature.

6 §683. Employees; salaries

7 The director of capitol security shall make recommendations of
8 employment for all security officers and other necessary employees and shall
9 recommend salaries to the Capitol Security Council for approval by the
10 president of the Senate and the speaker of the House of Representatives.

11 §684. Domicile

12 The offices of the director of capitol security shall be domiciled in the
13 state capitol complex in Baton Rouge.

14 §685. Responsibility to legislature; lead investigative officer; supplemental
15 operating funds

16 A. The director of capitol security shall, in every aspect of his functions,
17 duties, and operations, be responsible solely to the legislature and to no other
18 branch of state government and no board, commission, department, or agency
19 or official of any other branch of state government.

20 B. Notwithstanding any other law to the contrary, the director shall be
21 the lead investigative officer for any security breach or occurrence in the state
22 capitol building and the parts of the state capitol complex used by the
23 legislature, its members, and staff.

24 C. The designation of the director of capitol security as the chief capitol
25 security officer for the legislature shall not otherwise affect the duties of the
26 sergeant at arms of the Senate or the House of Representatives as provided in
27 the Rules of Order of the Senate or the Rules of Order of the House of
28 Representatives.

29 PART II. CAPITOL SECURITY COUNCIL

1 **§691. Capitol Security Council; membership; officers; vacancies**

2 **A. The Capitol Security Council, referred to in this Chapter as the**
3 **"council", is hereby created.**

4 **B. The council shall be composed of ten members as follows:**

5 **(1) The president of the Senate.**

6 **(2) Four members appointed by the president of the Senate from the**
7 **membership of the Senate.**

8 **(3) The speaker of the House of Representatives.**

9 **(4) Four members appointed by the speaker of the House of**
10 **Representatives from the membership of the House of Representatives.**

11 **C. Appointments to the council shall be made within ninety days after**
12 **the convening of the regular session of the legislature in each year in which the**
13 **members of the legislature take office. The presiding officer of each house of the**
14 **legislature shall select a chairman and vice chairman and such other officers as**
15 **deemed necessary. The chairmanship and vice chairmanship shall rotate**
16 **between the Senate and House of Representatives every two years. Any vacancy**
17 **in the membership of the council shall be filled in the manner of the original**
18 **appointment.**

19 **§692. Powers and duties**

20 **A. The council shall have such powers and duties as are conferred upon**
21 **it by this Chapter and such other duties as are provided by law or otherwise**
22 **assigned by the legislature and shall meet from time to time as it deems**
23 **necessary.**

24 **B. The council shall be responsible for adopting a comprehensive**
25 **security plan for the parts of the state capitol building and state capitol complex**
26 **that are used by the legislature, its members, and staff as it deems necessary or**
27 **appropriate.**

28 **C. The council shall be responsible for reviewing and approving, with**
29 **whatever changes it deems necessary or appropriate, each annual budget for the**

1 operations of the office of the director of capitol security prior to submission of
 2 the budget to the president of the Senate and speaker of the House of
 3 Representatives.

4 D. In carrying out the powers and duties conferred upon it by this
 5 Chapter, and limited to the description of the powers, duties, and jurisdiction
 6 of the council as provided in this Chapter, the council shall have the power and
 7 authority of the legislature inherent in that body and conferred by law to hold
 8 hearings, administer oaths, take testimony at public or private hearings, and
 9 pursue punishment for contempt of the council as otherwise provided by law.

10 §693. Contempt of council; authority to conduct proceedings

11 Failure to comply with any order of the council issued in accordance
 12 with or under the authority of this Chapter, refusal to testify, or any act of
 13 disrespect or of disorderly or contemptuous behavior before the council shall
 14 constitute contempt of the council. The council shall have the power to initiate
 15 and pursue proceedings for contempt as provided by law. False swearing or
 16 perjury before the council shall be punished in accordance with the laws of the
 17 state.

18 Section 2. R.S. 40:1379.1(N) is hereby amended and reenacted and R.S.
 19 40:2402(3)(f) is hereby enacted to read as follows:

20 §1379.1. Special officers; powers and duties; concealed handgun permit

21 * * *

22 N.(1) Notwithstanding the provisions of Subsections A, B, C, and D of this
 23 Section, the deputy secretary of public safety services shall issue a special officer's
 24 commission to the sergeant at arms or assistant sergeants at arms of the Senate or the
 25 House of Representatives **or a capitol security officer** when directed to do so by the
 26 president of the Senate or the speaker of the House of Representatives. The deputy
 27 secretary shall not determine eligibility for a special officer's commission under this
 28 Subsection, which determination shall be made solely by the president of the Senate
 29 or the speaker of the House of Representatives.

1 * * *

2 §2402. Definitions

3 As used in this Chapter:

4 * * *

5 (3) * * *

6 **(f) "Peace officer" shall also include the director of capitol security and**
7 **security officers employed by the legislature upon recommendation of the**
8 **director as provided by R.S. 24:861 et seq.**

9 * * *

10 Section 3. This Act shall become effective upon signature by the governor or, if not
11 signed by the governor, upon expiration of the time for bills to become law without signature
12 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
13 vetoed by the governor and subsequently approved by the legislature, this Act shall become
14 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Matt DeVille.

DIGEST

SB 490 Reengrossed

2022 Regular Session

Cortez

Proposed law creates the director of capitol security as the chief security officer for the legislature. Provides for the election of the director upon a favorable majority of the elected members of each house of the legislature after having been interviewed by the Capitol Security Council and recommended for employment by the council by a majority vote. Provides that the director shall serve at the pleasure of the legislature and may be removed by a majority vote of the elected members of each house of the legislature. Provides that any vacancy which occurs while the legislature is not in session shall be filled temporarily by the president of the Senate and the speaker of the House of Representatives, until such time as the vacancy is filled by the legislature.

Proposed law provides that the director shall have 10 years of full-time law enforcement experience, shall be POST-certified, and shall possess qualifications necessary to be commissioned as a special officer. He shall not be a member of the legislature.

Proposed law provides that the salary of the director shall be recommended by the Capitol Security Council. Requires all other necessary expenses and salaries of the council to be submitted to the president of the Senate and speaker of the House of Representatives for approval.

Proposed law provides for the duties of the director. Specifies that the director shall:

- (1) Oversee law enforcement and physical security for the parts of the state capitol building and state capitol complex that are used by the legislature.

- (2) Oversee law enforcement and physical security at any official meeting or function of the legislature, or its committees, regardless of location.
- (3) Develop an annual budget for the operations of the office, subject to approval by the council.
- (4) Recommend employment for security officers and other personnel necessary to ensure the physical security of the parts of the state capitol building and state capitol complex that are used by the legislature.
- (5) Ensure that security officers are POST-certified and possess qualifications necessary to be commissioned as special officers.
- (6) Develop, coordinate, and implement security training for security officers.
- (7) Coordinate and supervise the scheduling and activities of the security officers.
- (8) Respond and act with regard to any security event within his area of jurisdiction.
- (9) Conduct investigations and affect lawful arrests.
- (10) Conduct research, analyze and interpret data, monitor compliance with administrative rules and regulations, make findings of fact, prepare reports, and recommend legislation, policies, and directives which relate to security.
- (11) Act as the legislature's principal point of contact for all law enforcement recommendations to the legislature.
- (12) Develop a comprehensive security plan for the state capitol.
- (13) Carry out all directives issued by either legislative house or the committees relative to security issues.

Proposed law provides that the offices of the director shall be domiciled in the state capitol complex.

Proposed law provides that the director shall be responsible solely to the legislature in his functions and duties and shall be the lead investigative officer in any security breach or occurrence in the state capitol building. Specifies that the designation of the director as chief capitol security officer shall not otherwise affect the duties of the sergeant at arms of the Senate or the House of Representatives.

Proposed law creates the Capitol Security Council composed of the president of the Senate, four members from the Senate appointed by the president, the speaker of the House of Representatives, and four members from the House of Representatives appointed by the speaker. Authorizes the presiding officers of each house of the legislature to select a chairman and vice chairman. Provides that the chairmanship and the vice chairmanship rotate between the Senate and the House of Representatives every two years. Provides that the council determines the qualifications of the director of capitol security.

Proposed law provides for the duties of the council and specifies that the council is responsible for adopting a comprehensive security plan for the parts of the state capitol building and state capitol complex used by the legislature. Requires the council to review and approve the annual budget for the operations of the director prior to submission of the budget to the president and speaker and to fix the salary of the director.

Proposed law invests the council with the power to hold hearings, administer oaths, take public testimony, and pursue punishment for contempt as provided by law.

Present law provides that the deputy secretary of public safety services shall issue a special officer's commission to the sergeant at arms or assistant sergeants at arms of the Senate or the House of Representatives when directed to do so by the president of the Senate or speaker of the House of Representatives.

Proposed law retains present law and further provides that capitol security officers shall also be issued a special officer's commission upon direction of the president of the Senate or speaker of the House of Representatives.

Proposed law adds the director of capitol security and security officers employed by the legislature upon his recommendation to the definition of peace officer.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 40:1379.1(N); adds R.S. 24:681-685 and 691-693 and R.S. 40:2402(3)(f))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Finance to the engrossed bill

1. Make technical changes.
2. Provide that capitol security officers are eligible to receive a special officer's commission.
3. Define the director of capitol security and security officers employed by the legislature upon his recommendation as peace officers.